

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**CHACY WILLIAMS,**

**Petitioner,**

**v.**

**CASE NO. 2:03-cv-887**

**CRIM. NO. 2:00-cr-178**

**JUDGE SMITH**

**MAGISTRATE JUDGE KEMP**

**UNITED STATES OF AMERICA,**

**Respondent.**

**OPINION AND ORDER**

On August 2, 2004, petitioner's motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. §2255 was dismissed. Doc. No. 37. On August 22, 2005, petitioner filed a motion for relief judgment pursuant to Federal Rule of Civil Procedure 60(b). Doc. No. 42. On September 9, 2005, the Magistrate Judge issued a *Report and Recommendation* recommending that petitioner's motion properly be construed as a successive petition and be transferred to the United States Court of Appeals for the Sixth Circuit. Doc. No. 43.

Petitioner has filed objections to the Magistrate Judge's *Report and Recommendation*. Doc. No. 45. Petitioner objects to all of the Magistrate Judge's conclusions, and requests a stay of proceedings. Pursuant to 28 U.S.C. 636(b)(1), this Court has conducted a *de novo* review of those portions of the *Report and Recommendation* objected to by petitioner. For the reasons discussed at length in the Magistrate Judge's *Report and Recommendation*, petitioner's objections are **OVERRULED**. Petitioner's request for a stay is **DENIED**.

The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. This case is **TRANSFERRED** to the United States Court of Appeals for the Sixth Circuit pursuant to 28 U.S.C.

§1631 for authorization under 28 U.S.C. §2244(b)(3)(A).

**IT IS SO ORDERED.**

\s\ George C. Smith

GEORGE C. SMITH

United States District Judge